



General Assembly

January Session, 2011

Raised Bill No. 965

LCO No. 3113

03113_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE USE OF AN IGNITION INTERLOCK
DEVICE UPON A FIRST DRUNKEN DRIVING CONVICTION.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, and (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 one year, or (ii) have such person's motor vehicle operator's license or
16 nonresident operating privilege suspended for three months and be

17 prohibited for the one-year period following completion of such period
18 of suspension from operating a motor vehicle unless such motor
19 vehicle is equipped with a functioning, approved ignition interlock
20 device, as defined in section 14-227j; (2) for conviction of a second
21 violation within ten years after a prior conviction for the same offense,
22 (A) be fined not less than one thousand dollars or more than four
23 thousand dollars, (B) be imprisoned not more than two years, one
24 hundred twenty consecutive days of which may not be suspended or
25 reduced in any manner, and sentenced to a period of probation
26 requiring as a condition of such probation that such person perform
27 one hundred hours of community service, as defined in section 14-
28 227e, and (C) (i) if such person is under twenty-one years of age at the
29 time of the offense, have such person's motor vehicle operator's license
30 or nonresident operating privilege suspended for three years or until
31 the date of such person's twenty-first birthday, whichever is longer,
32 and be prohibited for the two-year period following completion of
33 such period of suspension from operating a motor vehicle unless such
34 motor vehicle is equipped with a functioning, approved ignition
35 interlock device, as defined in section 14-227j, or (ii) if such person is
36 twenty-one years of age or older at the time of the offense, have such
37 person's motor vehicle operator's license or nonresident operating
38 privilege suspended for one year and be prohibited for the two-year
39 period following completion of such period of suspension from
40 operating a motor vehicle unless such motor vehicle is equipped with
41 a functioning, approved ignition interlock device, as defined in section
42 14-227j; and (3) for conviction of a third and subsequent violation
43 within ten years after a prior conviction for the same offense, (A) be
44 fined not less than two thousand dollars or more than eight thousand
45 dollars, (B) be imprisoned not more than three years, one year of which
46 may not be suspended or reduced in any manner, and sentenced to a
47 period of probation requiring as a condition of such probation that
48 such person perform one hundred hours of community service, as
49 defined in section 14-227e, and (C) have such person's motor vehicle
50 operator's license or nonresident operating privilege permanently

51 revoked upon such third offense. For purposes of the imposition of
52 penalties for a second or third and subsequent offense pursuant to this
53 subsection, a conviction under the provisions of subsection (a) of this
54 section in effect on October 1, 1981, or as amended thereafter, a
55 conviction under the provisions of either subdivision (1) or (2) of
56 subsection (a) of this section, a conviction under the provisions of
57 section 53a-56b or 53a-60d or a conviction in any other state of any
58 offense the essential elements of which are determined by the court to
59 be substantially the same as subdivision (1) or (2) of subsection (a) of
60 this section or section 53a-56b or 53a-60d, shall constitute a prior
61 conviction for the same offense.

62 Sec. 2. Subsection (i) of section 14-227a of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2011*):

65 (i) (1) The Commissioner of Motor Vehicles shall permit a person
66 whose license has been suspended in accordance with the provisions
67 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(i) or
68 (C)(ii) of subdivision (2) of subsection (g) of this section to operate a
69 motor vehicle if (A) such person has served the suspension required
70 under said subparagraph, [(C)(i) or (C)(ii),] and (B) such person has
71 installed an approved ignition interlock device in each motor vehicle
72 owned or to be operated by such person. Except as provided in
73 sections 53a-56b and 53a-60d, no person whose license is suspended by
74 the commissioner for any other reason shall be eligible to operate a
75 motor vehicle equipped with an approved ignition interlock device. (2)
76 All costs of installing and maintaining an ignition interlock device
77 shall be borne by the person required to install such device. (3) The
78 commissioner shall adopt regulations, in accordance with the
79 provisions of chapter 54, to implement the provisions of this
80 subsection. The regulations shall establish procedures for the approval
81 of ignition interlock devices, for the proper calibration and
82 maintenance of such devices and for the installation of such devices by
83 any firm approved and authorized by the commissioner. (4) The

84 provisions of this subsection shall not be construed to authorize the
 85 continued operation of a motor vehicle equipped with an ignition
 86 interlock device by any person whose operator's license or nonresident
 87 operating privilege is withdrawn, suspended or revoked for any other
 88 reason. (5) [The provisions of this subsection shall apply to any person
 89 whose license has been suspended in accordance with the provisions
 90 of subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of
 91 this section on or after September 1, 2003. (6)] Whenever a person is
 92 permitted by the commissioner under this subsection to operate a
 93 motor vehicle if such person has installed an approved ignition
 94 interlock device in each motor vehicle owned or to be operated by such
 95 person, the commissioner shall indicate in the electronic record
 96 maintained by the commissioner pertaining to such person's operator's
 97 license or driving history that such person is restricted to operating a
 98 motor vehicle that is equipped with an ignition interlock device and
 99 the duration of such restriction, and shall ensure that such electronic
 100 record is accessible by law enforcement officers. Any such person shall
 101 pay the commissioner a fee of one hundred dollars prior to the
 102 installation of such device. [(7)] (6) There is established the ignition
 103 interlock administration account which shall be a separate, nonlapsing
 104 account in the General Fund. The commissioner shall deposit all fees
 105 paid pursuant to subdivision [(6)] (5) of this subsection in the account.
 106 Funds in the account may be used by the commissioner for the
 107 administration of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	14-227a(g)
Sec. 2	<i>October 1, 2011</i>	14-227a(i)

Statement of Purpose:

To reduce repeat drunken driving violations by authorizing a court to require the use of an ignition interlock device upon a first drunken driving conviction.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]